



Office of the  
**Police and Crime  
Commissioner**  
for Warwickshire

**Philip Seccombe TD**

Police and Crime Commissioner

HOME OFFICE and HMICFRS

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Our Ref: - HMICFRS s55 Letter

Your Ref: - Warwickshire OPCC

5 August 2021

Dear Minister / H.M. Inspector,

**Subject: HMICFRS Report – Disproportionate use of police powers.**

As the Police and Crime Commissioner for Warwickshire I am providing the following response to the Secretary of State for the Home Office, and also Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), in respect of the HMICFRS 'spotlight' report 'Disproportionate use of Police Powers' that was published on the 26<sup>th</sup> February 2021. This action is pursuant to my obligations under Section 55(1) of the Police Act 1996.

### **Local Policing Body's Comments**

I welcome the report and thank HMICFRS for its inspection of this critical area of policing in respect of Stop and Search and Use of Force, the use of which are essential to ensure not only the legitimacy of the police service but also to restoring public confidence and community cohesion. In doing so, I particular note and concur with the comments by Wendy Williams, HMI Inspector of Constabulary: -

*"The tragic killing of George Floyd in America in early 2020, and subsequent protests in the UK and globally, have highlighted once again the significant impact that police interaction can have – particularly on Black, Asian and Minority Ethnic, communities. The public rightly expects the police to protect them by using their powers in an effective and fair manner. Unfair use of powers can be counter-productive if it leads people to think it is acceptable to not comply with the law. It may also make people unwilling to report when they are the victim of crime or come forward as witnesses. The police must be able to show the public that their use of these powers is fair, lawful and appropriate, or they risk losing the trust of the communities they serve."*

Having carefully reviewed the report I consider the key findings to be: -

- Home Office data from 2019/20 shows that Black, Asian and Minority Ethnic people were over four times more likely to be stopped and searched than white people – with the figure almost nine times higher for black people specifically. Black people were also over 5.5 times more likely to have force used on them than white people.

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- HMICFRS said that despite having more data on the use of force and stop and search, police forces are still unable to explain why these powers are used disproportionately based on ethnicity.
- The inspectorate said that over 35 years since the introduction of stop and search, the police still cannot explain why these powers are used disproportionately.
- HMICFRS found that the most common reason given for the use of these powers is due to suspected drug possession. This unfairness risks further reducing public trust in the police and could lead to more Black, Asian and Minority Ethnic people being drawn into the criminal justice system
- HMICFRS also called for police forces to analyse their data and either explain, with evidence, the reasons for disproportionality in stop and search and use of force, or take clear action to address it.

The report has consequently made a number of recommendations. Those highlighted in blue font are applicable to Warwickshire Police: -

### **Recommendation 1**

By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation.

### **Recommendation 2**

By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

### **Recommendation 3**

By September 2021, forces should: -

- Ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;
- Have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and
- Provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.

### **Recommendation 4**

The Home Office and the NPCC should take steps to ensure that the quality of the data collected on the number of incidents where force has been used to effect a stop and search is sufficient for publication. The Home Office should publish this data as soon as possible.

### **Recommendation 5**

By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.

### **Recommendation 6**

By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken.

### **Recommendation 7**

With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

### **Recommendation 8**

By December 2021, the Home Office should agree, nationally, a minimum standard for monitoring stop and search powers. HMICFRS commits to working on this with the Home Office and other interested parties, such as the College of Policing and the National Police Chiefs' Council.

### **Comments from the Chief Constable**

Warwickshire Police supports the report and the recommendations identified. It is recognised that policing as a whole justifiably faces intense scrutiny around the use of powers, particularly Stop and Search and Use of Force. Warwickshire Police is acutely aware of the need to have a detailed understanding of the underpinning data to tackle disproportionality, and work continues to drive this down.

The above recommendations are being implemented and driven through the Use of Police Powers Board (UoPPB), chaired by the Chief Superintendent of Local Policing. This is governed by the Legitimacy and Equality Board, chaired by the Deputy Chief Constable. The force is implementing a structure of regular audits of Stop and Search encounters and Use of Force. This includes the scrutiny of recording, appropriate use of powers and review of body worn video footage. Communication skills are an intrinsic part of annual Officer Safety Training, over and above conflict management skills.

The UoPPB is actively scoping the need for a new and improved Use of Force recording system. As our ICT implementation phase continues, I look forward to the delivery of the forthcoming Power App to support our recording processes. This will provide a greater ability to scrutinise data and make the process more accountable.

The external scrutiny (IAG) structure was paused as a result of the pandemic but concerted efforts are underway to recruit a broad cross-section of members of our communities and refresh our IAG's.

### **Any comments from the local policing body on the CC's comments.**

The Chief Constable is supportive of the report and has provided her assurance that the recommendations have been addressed. A 'deep-dive' into this subject was held at the

Performance Accountability Meeting with the Chief Constable in June 2021, which provided some reassurance regarding the force's approach in understanding the data and the causes of disproportionality. I will continue to scrutinise the progress made by Warwickshire Police in achieving these objectives and will both support and 'hold to account' the Chief Constable in doing so.

This response will be published on the website of the Warwickshire Office of the Police and Crime Commissioner (OPCC).

Yours faithfully,

A handwritten signature in black ink, appearing to read "Philp Secombe". The signature is written in a cursive style with a large initial 'P' and a long, sweeping tail.

Philp Secombe. TD

Warwickshire Police and Crime Commissioner